

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Chapter 11
SEARS HOLDINGS CORPORATION,) Case No. 18-23538 (RDD)
<i>et al.</i> ,) Jointly Administered
Debtors.)
)
)
Sears Holding Corp., et al.,) Adversary Proceeding
Plaintiffs,) Case No. 19-08250 (RDD)
)
v.)
)
Edward Scott Lampert, et al.,)
Defendants.)
)
)

**PLAINTIFFS' STATEMENT ON MOTION TO CONSOLIDATE RELATED
ADVERSARY PROCEEDINGS AND ENTER AN AMENDED SCHEDULING ORDER**

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Plaintiffs in the above-captioned adversary proceeding, by and through their undersigned counsel, respectfully submit this statement respecting their motion (the “Motion”) for an order to consolidate the adversary proceeding captioned *Sears Holding Corp., et al. v. Edward Scott “Eddie” Lampert, et al.*, Adv. Pro. No. 19-08250 (RDD) (Bankr. S.D.N.Y.) (the “First Action”) with the adversary proceeding captioned *Sears Holding Corp., et al. v. Andrew H. Tisch, et al.*, Adv. Pro. No. 20-07007 (RDD) (Bankr. S.D.N.Y.) (the “Second Action”), and to enter an amended scheduling order in the consolidated cases.¹

1. Prior to filing the Motion, Plaintiffs engaged in discussions with the First Action Defendants and Second Action Defendants regarding a proposed consolidation and amended scheduling order to govern the consolidated cases. Following negotiations, Plaintiffs and the First Action Defendants were able to reach agreement on the terms of the proposed order annexed as Exhibit A to the Motion, and as a result, none of the First Action Defendants have filed objections to the Plaintiffs’ Motion.

2. Plaintiffs were unable to reach agreement with the Second Action Defendants regarding a proposed order, and various defendants in the Second Action have now filed objections to the Motion. *See* ECF Nos. 79, 85, 86, 88-91, 93 (the “Objections”). It is obvious that the positions taken by the Second Action Defendants in their Objections, if accepted, would have adverse consequences for Plaintiffs’ prosecution of the First Action, including the potential delay of discovery by many months. Plaintiffs believe it is imperative that the prosecution of the First Action proceed without undue delay, and reiterate their arguments in that respect from the Motion.

¹ Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

Dated: New York, New York
February 22, 2021

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